



Application/Contr. Number 10/647,618

Art Unit:3634

THE UNITED STATES PATENT AND TRADEMARK

In re Application of:
SUSAN G. KATZ

: ART UNIT: 3634

SERIAL NO. 10/647,618

FILED: August 25, 2003

FOR: A DECORATIVE EXTERNAL
CURTAIN ASSEMBLY AND
SYSTEM FOR EXTERIOR
DECORATION

: EXAMINER: Blair M. Johnson

: I hereby certify that this correspondence
is being deposited with the United States
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envelope addressed to: Commissioner for
Patents, Box 1450, Alex, VA 22313, on
this date of:

: July 11, 2005

Susan G. Katz
Susan G. Katz

APPELLANT'S APPEAL BRIEF

HONORABLE COMMISSIONER FOR PATENTS AND TRADEMARKS
WASHINGTON, D. C. 20231

SIR:

Enclosed is the original and two copies of Appellant's
Appeal Brief, including Appendices A-B and a check in the amount
of \$250.00 covering the prescribed fee.

Also submitted herewith is a Petition for Extension of Time
Under 37 CFR 1.136(a) including a check in the amount of \$60.00
covering the prescribed fee.

If any questions arise about the foregoing, the Applicant
can be reached at the telephone number indicated below.

Application/Control Number 10/647,618

Art Unit:3634

Respectfully submitted,


Susan G. Katz

July 11, 2005

(610) 270-0170



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APPEAL BRIEF

HONORABLE COMMISSIONER FOR PATENTS AND TRADEMARKS
WASHINGTON, D. C. 20231

SIR:

The following Appeal Brief is respectfully submitted
pursuant to 37 C.F.R. § 41.37 in connection with the above-
identified application in response to the Examiner's final
rejection of Claims 1, 3 and 6-21 dated December 13, 2004.

REAL PARTY IN INTEREST

The Undersigned Appellant, Susan G. Katz, hereby states that
she is the Appellant and only real party in interest in the
above-identified Application.

There are no related Appeals and Interferences in connection with the above-identified Application or Appellant.

STATUS OF THE CLAIMS

Claims 1, 3 and 6-21 currently stand in the case. Original Claims 2, 4 and 5 have been cancelled. No claims currently standing in the case are objected to, however, Claims 1, 3 and 6-21 stand finally rejected under 35 USC 103(a) as unpatentable over Hillstrom in view of Phillips. It is the rejection of Claims 1, 3, and 6-21 based on Hillstrom in view of Phillips from which Appellant appeals.

STATUS OF AMENDMENTS

There are no Amendments filed subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, as defined by Claims 1, 3 and 6-12, relates to both a decorative external curtain assembly for applying fabric material to an external facade of a building and a system of exterior decoration. According to Independent Claim 1, the external curtain assembly (11) includes: 1) a sheet of fabric material (19), 2) complementary engageable fastener strips (21) for respectively fastening the fabric material (19) to the external facade (15) of the building (17); and 3) an attachment arrangement (See page 8, lines 2-10 of the Substitute Specification) for attaching one of the complementary engageable fastener strips (21a) to the building (17) and another of the complementary engageable fastener strips (21b) to the fabric material (19). The complementary engageable fastener strips (21) are made of a pair of Velcro strips (21a, 21b), one strip having co-acting miniature hooks formed of a relatively rigid filament material and another of the strips having loops also formed of a

relatively rigid filament material which engage one another to form a bond between the building (17) and the fabric (19) that is broken by pulling apart the pair of strips (21a, 21b). The complementary engageable fastener strips (21a, 21b) fasten the fabric material (19) to the external façade (15) along an entire edge of the fabric material (19).

As recited by Claims 13-21, the present invention also relates to a system of exterior decoration. According to Independent Claim 13, the system comprising: 1) a building (17) having an external façade (15), 2) at least one decorative external curtain assembly (19), 3) complementary, engageable fastener strips (21a, 21b) for attaching the decorative external curtain assembly (19) to the external facade (15) of the building (17), and 4) attachment means (See Page 8, lines 2-10 of Substitute Specification) for respectively attaching one of the complementary engageable fastener strips (21a) to the decorative external curtain assembly (19) and another of the complementary engageable fastener strips (21b) to the external façade (15) of the building (17).

As recited by dependent Claim 21, which depend directly from Claim 13, the complementary engageable fastener strips (21) are made of a pair of strips (21a, 21b), one strip (21a) having co-acting miniature hooks formed of a relatively rigid filament material and another of the strips (21b) having loops also formed of a relatively rigid filament material which engage one another to form a bond between the building (17) and the fabric (19) that is broken by pulling apart the pair of strips (21a, 21b); and wherein the complementary engageable fastener strips (21a, 21b) fasten the fabric material (19) to the external façade (15) along an entire edge of the fabric material (19).

GROUND OF REJECTION BEING REVIEWED ON APPEAL

The Appellant is requesting review of the final rejection of

Claims 1, 3 and 6-21 under 35 USC 103(a) as unpatentable over Hillstrom in view of Phillips. In the Final Rejection, the Examiner asserts that, while the banner attached to the exterior of a building as disclosed by Hillstrom does not show hook and loop fasteners, Phillips shows that hook and loop fasteners for mounting decorative fabrics is well known and that it would be "obvious to replace the mounting means of Hillstrom with that of Phillips so as to render changing the banner easier," with the "size of the hook and loop strip [being] clearly an obvious design choice depending on the size of the banner."

In response to Appellant's argument that the cited prior art fails to teach or suggest the use of Velcro in the exterior application, as recited in the presently rejected Claims, the Examiner states in the Examiner's Response to Arguments in the Final Rejection that: "... the fastener of Phillips is the same fastener used by Appellant and consequently capable of being used outdoors."

The Examiner further states in the Final Rejection that: "... there is nothing in the description of the fastener of Phillips that would suggest that it is not usable outdoors. Hillstrom is concerned with providing a changeable system for supporting banners, signs, etc. and if he were looking for a fastener that would render at the banner more easily changeable, he would naturally look to other fabric fastening means and *would not limit himself to only outdoor fastening means* [emphasis added by Appellant]. If an interior fastener were not 'heavy' enough for external applications, merely providing a stronger more durable, etc. version of the fastener, in this case Velcro, would have been obvious."

In view of the foregoing final rejection and assertions of the Examiner, Appellant sets forth the following Grounds for Appeal:

1) NO SUGGESTION OR TEACHING IN THE PRIOR TO COMBINE REFERENCES

It is clear to Appellant that the Examiner has engaged in hindsight reasoning to improperly reject Claims 1, 3 and 6-21 under 35 USC 103 by relying on the substitution of Hillstrom's heavy duty spring loaded metal frame device for fastening the exterior banner of Hillstrom to the exterior of a building where such exterior banners "are subjected to high winds and other harsh conditions" with the Velcro fastener arrangement of interior curtain of Phillips which is not subject to such "harsh conditions."

As stated in In re Fine, 5 USPQ2nd, 1596, the PTO has to satisfy its burden of establishing a prima facie case of obviousness by showing some objection teaching or generally available knowledge that would lead one skilled in the art to substitute the Velcro fastening arrangement of the interior curtain of Phillips for the spring loaded metal frame fastening arrangement of the exterior banner of Hillstrom. The Examiner has failed to make such a showing and, in fact, is improperly relying on the inverse of this requirement (a negative teaching) by justifying the proposed combination in stating that "... there is nothing in the description of the fastener of Phillips that would suggest that it is not usable outdoors."

2) IMPROPER HINDSIGHT REFERRAL TO TEACHINGS OF APPELLANT'S OWN APPLICATION TO JUSTIFY COMBINATION OF HILLSTROM AND PHILLIPS

In Examiner's Response to Arguments in the Final Rejection, the Examiner improperly relies on the teachings of the present Application as proof that: "... the fastener of Phillips is the same fastener used by Appellant and consequently capable of being used outdoors." Only Appellant's Application discloses the use of Velcro to attached an exterior curtain to the external façade of a building.

3) FAILURE TO PROPERLY CONSIDER OR REBUT RULE 132 AFFIDAVIT

The Examiner has failed to properly consider or rebut Appellant's Rule 132 Affidavit in the final rejection of Claims 1, 3 and 6-21 wherein Appellant has provided evidence that the Phillips reference fails to teach or suggest to one of ordinary skill in the art that Velcro fasteners can be used to attach an external curtain to the exterior façade of a building because exterior curtains are subject to wind and rain forces that do not in anyway effect a curtain located in the interior of a building, as disclosed by Phillips, and that the general opinion in the art is that Velcro would form too weak a bond to effectively hold an exterior curtain to the external façade of a building when harsh environmental conditions such as wind and rain are encountered by an exterior curtain.

4) INVENTION AS A WHOLE AND PROBLEM SOLVED NOT CONSIDERED

As noted in In re Wright, 6 USPQ 2nd 1959, 35 USC 103 requires the invention as whole must be considered in making an obviousness determination. In making a determination of obviousness of whether a novel structure is or is not obvious, a recognition of the properties of that structure and the problem that it solves must be viewed in light of the teaching of the prior art. Thus, the question posed, is whether what the Appellant did would have been obvious to one of ordinary skill in the art attempting to solve the problem upon which the inventor was working.

However, the Examiner has failed to consider the invention as a whole by mis-characterizing the problem solved by Appellant's Invention in fantasizing that if "Hillstrom is concerned with providing a changeable system for supporting banners, signs, etc. and if he were looking for a fastener that would render at the banner more easily changeable, he would naturally look to other fabric fastening means and *would not*

limit himself to only outdoor fastening means [emphasis added by Appellant]."

However, the teachings of Hillstrom, i.e., that banners and signs positioned outdoors are subjected to harsh environmental conditions and known devices and systems have frequently proved unreliable because they are subjected to high winds and other harsh conditions and Appellant's Rule 132 Affidavit confirming the teachings of Hillstrom make clear that the problem solved by Appellant's Invention is not "easily changeable curtains" but rather the challenge of "manipulating the look, mood and atmosphere of an exterior of a building" (See Page 3 lines 5-9 of Appellant's Substitute Specification.) and the problem of dealing with external weather forces that a curtain on the exterior of a building is subject to.

ARGUMENTS

1) NO SUGGESTION OR TEACHING IN THE PRIOR TO COMBINE REFERENCES

In the final rejection of Claims 1, 3 and 6-21 under 35 USC 103(a) as unpatentable over Hillstrom in view of Phillips Appellant agrees with the Examiner that Hillstrom fails to disclose the use of hook and loop fasteners for attaching a banner to the exterior of a building. However, it is clear to Appellant that the Examiner has engaged in unacceptable hindsight reasoning in substituting the Hillstrom attachment arrangement, i.e., a heavy duty spring loaded metal frame device, with the attachment arrangement of Phillips, i.e., hook and loop fasteners (18, 20, 22, 28). In this regard, the heavy duty spring loaded metal frame device for fastening the exterior banner of Hillstrom to the exterior of a building is of a very robust nature because such exterior banners "are subjected to high winds and other harsh conditions" (see Column 1, lines 30-35 of Hillstrom). As further noted by Hillstrom at Column 1, lines 60-64, the purpose of his device is to provide a display device which "firmly and

securely retains and displays banner-type signs and messages

regardless of the severity of the external weather conditions."

In contra-distinction to the Hillstrom patent, which relates to an arrangement for attaching an exterior banner to the exterior of a building, the Velcro fasteners (18, 20, 22, 28) of Phillips are used to attach an interior curtain to the interior of a building where such interior curtains are not subject to such "harsh conditions" as those encountered by the Hillstrom patent.

As stated in In re Fine, 5 USPQ2nd, 1596, the PTO has to satisfy its burden of establishing a prima facie case of obviousness by showing some objection teaching or generally available knowledge that would lead one skilled in the art to substitute the Velcro fastening arrangement of the interior curtain of Phillips for the heavy duty spring loaded metal frame fastening arrangement of the exterior banner of Hillstrom where such banner must be securely fastened regardless of the severity of the external weather conditions. However, such teaching or suggestion is absent.

As stated by Hillstrom at Column 1, line 19-24, the "desire object" of the Hillstrom invention is to accomplish the "secure and aesthetic placement of banner-type advertising on building and walls surfaces... [w]here the signs are to be positioned outdoors and subjected to harsh environmental conditions." Hillstrom further notes that "known devices and systems frequently prove unreliable."

However, the Velcro attachment arrangement of Phillips is disclosed in a patent which only discloses its use in relation to an interior curtain arrangement, i.e., for an ornamental valence treatment for windows "in residences and commercial building." (See Column 1 lines 13-15 of Phillips.) Since Phillips only discloses the use of the VELCRO attachment arrangement inside a building where the valence is NOT subject to severe atmospheric

weather conditions, there is no teaching or suggestion in Phillips or otherwise that such Velcro fasteners would be suitable for use to attach a banner to the exterior façade of building where such banners are exposed to high winds and other harsh conditions experience by a banner mounted to the exterior of a building.

Therefore, Appellant respectfully submits that the Examiner has failed to make such a showing that there is some teaching or suggestion that would lead one of ordinary skill in the art to make the proposed combination of Hillstrom and Phillips. In fact, the Examiner is improperly relying on the inverse of this requirement (a negative teaching) by justifying the proposed combination of references by stating that "... there is nothing in the description of the fastener of Phillips that would suggest that it is not usable outdoors."

2) IMPROPER HINDSIGHT REFERRAL TO TEACHINGS OF APPELLANT' OWN APPLICATION TO JUSTIFY COMBINATION OF HILLSTROM AND PHILLIPS

In the final rejection of Claims 1, 3 and 6-12 under 35 USC 103(a) as unpatentable over Hillstrom in view of Phillips, the Examiner states that: "... the fastener of Phillips is the same fastener used by Appellant and consequently capable of being used outdoors" and that it would be "obvious to replace the mounting means of Hillstrom with that of Phillips so as to render changing the banner easier," with the "size of the hook and loop strip [being] clearly an obvious design choice depending on the size of the banner."

As previously noted, Hillstrom, at Column 1, lines 20-25, states that the focus of his invention is: "[T]he secure and aesthetic placement of banner-type advertising and message signs on building and wall surfaces is a desired objective today. When the signs are positioned outdoors and subjected to harsh environmental conditions, known devices and systems have frequently proved unreliable." This is particularly true where

the banners are adapted to be placed outdoors where they are subjected to high winds and other harsh conditions." (See Column 1, lines 32-34 of Hillstrom.)

Thus, from the teaching of Hillstrom we learn the prior art tells us that known devices or systems for attaching banners have frequently proved unreliable in the exterior application, i.e., when attaching a banner to the exterior of building. Therefore, Hillstrom teaches away from its combination with Phillips (known systems have frequently provided unreliable) so there must be some suggestion in the prior art or generally available knowledge that the Velcro attachment arrangement would be suitable for use in such an exterior application.

However, in contradistinction to Hillstrom, Phillips discloses a VELCRO attached arrangement for an ornamental valence treatment for windows "in residences and commercial building." (See Column 1 lines 13-15.) Thus, Phillips only teaches or suggests the use of the VELCRO attachment arrangement inside a building where the valence is NOT subject to severe atmospheric weather conditions including the high winds and other harsh conditions experience by a banner mounted to the exterior of a building. The only place where Velcro is used for the external arrangement is in Appellant's own Application.

However, the Examiner may not refer to Appellant's own Application to find such a teaching or suggestion to use Velcro in an exterior application to make the proposed combination of reference. Thus, it is clear to Appellant that when the Examiner states in the Final Rejection that: "... there is nothing in the description of the fastener of Phillips that would suggest that it is not usable outdoors." the Examiner has not satisfied the burden of showing some teaching or suggestion in the prior art or generally available knowledge to make the proposed combination and clearly the Examiner has engaged in hindsight reasoning to improperly reject Claims 1, 3 and 6-21 under 35 USC 103 over the

3) FAILURE TO PROPRERLY CONSIDER OR REBUT RULE 132 AFFIDAVIT

The Examiner has failed to properly consider or rebut Appellant's Rule 132 Affidavit in the final rejection of Claims 1, 3 and 6-21 wherein Appellant has provided evidence that the Phillips reference fails to teach or suggest to one of ordinary skill in the art that Velcro fasteners can be used to attach an external curtain to the exterior façade of a building because exterior curtains are subject to wind and rain forces that do not in anyway effect a curtain located in the interior of a building, as disclosed by Phillips, and that the general opinion in the art is that Velcro would form too weak a bond to effectively hold an exterior curtain to the external façade of a building when harsh environmental conditions such as wind and rain are encountered by an exterior curtain.

In light of the Rule 132 Affidavit and the fact that Hillstrom actually teaches away from the suggested combination with Phillips because Hillstrom notes that "When the signs are positioned outdoors and subjected to harsh environmental conditions, known devices and systems [*such as VELCRO*] have frequently proved unreliable", there is no teaching or suggestion on the record or in the generally available knowledge that would lead one to substitute the Velcro fasteners of Phillips for the heavy duty spring loaded metal frame fastener of Hillstrom.

Thus, the Rule 132 Affidavit rebuts the Examiner's unsupported assertion in the Final Rejection that: "Hillstrom is concerned with providing a changeable system for supporting banners, signs, etc. and if he were looking for a fastener that would render at the banner more easily changeable, he would naturally look to other fabric fastening means and *would not limit himself to only outdoor fastening means* [emphasis added by Appellant]. If an interior fastener were not 'heavy' enough for external applications, merely providing a stronger more durable,

etc. version of the fastener, in this case Velcro, would have been obvious."

The Rule 132 Affidavit and the teachings of Hillstrom clearly teach away from the proposed combination of Hillstrom and Phillips.

4) INVENTION AS A WHOLE AND PROBLEM SOLVED NOT CONSIDERED

As noted in In re Wright, 6 USPQ 2nd 1959, 35 USC 103 requires the invention as whole must be considered in making an obviousness determination. In making a determination of obviousness of whether a novel structure is or is not obvious, a recognition of the properties of that structure and the problem that it solves must be viewed in light of the teaching of the prior art. Thus, the question posed, is whether what the Appellant did would have been obvious to one of ordinary skill in the art attempting to solve the problem upon which the inventor was working.

However, the Examiner has failed to consider the invention as a whole by mis-characterizing the problem solved by Appellant's Invention in fantasizing that if "Hillstrom is concerned with providing a changeable system for supporting banners, signs, etc. and if he were looking for a fastener that would render at the banner more easily changeable, he would naturally look to other fabric fastening means and *would not limit himself to only outdoor fastening means* [emphasis added by Appellant]."

However, the teachings of Hillstrom, i.e., that banners and signs positioned outdoors are subjected to harsh environmental conditions and known devices and systems have frequently proved unreliable because they are subjected to high winds and other harsh conditions and Appellant's Rule 132 Affidavit confirming the teachings of Hillstrom make clear that the problem solved by Appellant's Invention is not "easily changeable curtains" but rather the challenge of "manipulating the look, mood and

atmosphere of an exterior of a building" (See Page 3 lines 5-9 of Appellant's Substitute Specification.) and the problem of dealing with external weather forces that a curtain on the exterior of a building is subject to.

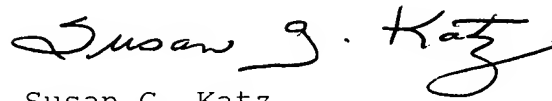
In that regard, exterior curtains are subject to atmospheric weather conditions, such as high wind and rain forces that do not in any way effect a curtain in the interior of a building. As supported by the Rule 132 Affidavit submitted herewith, the idea that VELCRO™ tape could be effectively used to attach a curtain to the outside of a building is unexpected. In fact, the only place that there is a disclosure of the use of VELCRO to attach a banner to the exterior of the building is Appellant's Application as originally filed.

Thus, there is no suggestion in Hillstrom to substitute the VELCRO holding arrangement for the interior curtain assembly of Phillips for the banner holding device of Hillstrom that uses a spring loaded metal frame device having a channel for holding the banner in place to overcome harsh weather conditions encountered by an external curtain. In fact, as previously noted Hillstrom teaches away from this suggested combination because the banners are adapted to be placed outdoors where they are subjected to high winds and other harsh conditions and interior curtains are not.

Accordingly, Appellant respectfully submits that the stated rejection is legally incorrect because there is no teaching within the in the prior art or within the generally knowledge of one of ordinary skill in the art that would lead that individual to combine the relevant teachings of Hillstrom and Phillips as suggested by this rejection. That teaching is only found in Appellant's application.

In view of the foregoing, Appellant respectfully submit that the Application is now in a condition for allowance and early notice of the same is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan G. Katz". The signature is fluid and cursive, with the first name "Susan" and the last name "Katz" being more prominent than the middle initial "G".

Susan G. Katz

July 11, 2005

(610) 270-0170

APPENDIX A
CLAIM APPENDIX

1. A decorative external curtain assembly for applying fabric material to an external facade of a building, the assembly comprising:

a sheet of fabric material;

complementary engageable fastener strips for respectively fastening the fabric material to the external façade of the building; and

an attachment arrangement for attaching one of the complementary engageable fastener strips to the building and another of the complementary engageable fastener strips to the fabric material; and

wherein the complementary engageable fastener strips are made of a pair of strips, one strip having co-acting miniature hooks formed of a relatively rigid filament material and another of the strips having loops also formed of a relatively rigid filament material which engage one another to form a bond between the building and the fabric that is broken by pulling apart the pair of strips; and

wherein the complementary engageable fastener strips fasten the fabric material to the external façade along an entire edge of the fabric material.

3. A decorative external curtain assembly according to Claim 1, wherein the fastener strips are respectively attached to the building by adhesive and to the fabric material by sewing or adhesive.

6. A decorative external curtain assembly according to Claim 1,

wherein the complementary engageable fastener strips fasten more than one edge of the fabric material to the external façade of the building.

7. A decorative external curtain assembly according to Claim 1, wherein the fabric material is made of one of a nature material, a synthetic material and a combination of synthetic and nature materials.

8. A decorative external curtain assembly according to Claim 1, wherein the fabric material forms at least one of: an external curtain, a valance, a flag, a banner, and an advertising display.

9. A decorative external curtain assembly according to Claim 1, wherein external façade of the building is at least one of: a porch, a balcony, an eave, a gable, and a roof line.

10. A decorative external curtain assembly according to Claim 1, wherein the building is at least one of a tent, a commercial structure and a residential structure.

11. A decorative external curtain assembly according to Claim 10, wherein the commercial structure is at least one of a restaurant and a retail store.

12. A decorative external curtain assembly according to Claim 1, wherein the Velcro strip is approximately two inches wide.

13. A system of exterior decoration, the system comprising:
a building having an external façade;
at least one decorative external curtain assembly;
complementary, engageable fastener strips for attaching the decorative external curtain assembly to the external facade of

attachment means for respectively attaching one of the complementary engageable fastener strips to the decorative external curtain assembly and another of the complementary engageable fastener strips to the external façade of the building.

14. A system according to Claim 13, wherein the decorative external curtain assembly is made of fabric.

15. A system according to Claim 13, wherein the at least one decorative curtain assembly comprises a plurality of decorative curtain assemblies each adapted for display of a different type of motif.

16. A system according to Claim 15 wherein the different type of motifs include: seasonal displays, holiday displays, advertising displays, autumn, winter, summer and spring displays, informational displays and decorative displays.

17. A system according to Claim 14, wherein the fabric material is made of one of a nature material, a synthetic material and a combination of synthetic and nature materials.

18. A system according to Claim 17, wherein the fabric material forms at least one of: an external curtain, a valance, a flag, a banner, and an advertising display.

19. A system according to Claim 13, wherein the external façade of the building is at least one of: a porch, a balcony, an eave, a gable, and a roof line.

20. A system according to Claim 13, wherein the building is at

least one of a tent, a commercial structure and a residential structure.

21. A system according to Claim 13, wherein the complementary engageable fastener strips are made of a pair of strips, one strip having co-acting miniature hooks formed of a relatively rigid filament material and another of the strips having loops also formed of a relatively rigid filament material which engage one another to form a bond between the building and the fabric that is broken by pulling apart the pair of strips; and

wherein the complementary engageable fastener strips fasten the fabric material to the external façade along an entire edge of the fabric material.

Label : "Appendix B"

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SUSAN G. KATZ

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: EXAMINER: Blair M. Johnson

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CURTAIN ASSEMBLY AND
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DECORATION

: I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an
envelope addressed to: Commissioner for
Patents, Box 1450, Alex, VA 22313, on
this date of:

: Oct. 29, 2004

Susan G. Katz
Susan G. Katz

RULE 132 AFFIDAVIT

ASSISTANT COMMISSIONER FOR PATENTS AND TRADEMARKS
WASHINGTON, D. C. 20231

SIR: I, Susan G. Katz, declare that:

- 1) I am currently work in the textile industry as a production pattern maker.
- 2) I have been working in the textile industry since 1989 and have considerable experience with regard to the use of textiles and fabrics as articles of manufacture.
- 3) I have reviewed the cited prior art noted by the Examiner in the Office Action dated August 20, 2004 issued in connection with the above-identified patent application.
- 4) I have reviewed the Bussert and Phillip patents which both disclose the provision of an interior curtain attached to an interior window using VELCROTM strips.

- 5) Bussert and Phillips both fail to teach or disclose the provision of attaching an external curtain to the external façade of the building to provide a system of exterior design as disclosed and claimed by my application.
- 6) Further both Bussert and Phillips fail to suggest a system of exterior design including the provision of attaching an external curtain to the external façade of the building using complementary engageable fastener strips comprised of VELCRO because exterior curtains are subject to atmospheric weather conditions such as wind and rain forces that do not in any way effect a curtain in the interior of a building.
- 7) In my experience the idea that VELCRO™ tape could be effectively used to attach a curtain to the outside of a building where the curtain is subjected to harsh environmental conditions is unexpected because the general opinion in the art is that VELCRO would form too weak a bond to effectively hold the banner or curtain to the exterior of the building when harsh environmental conditions such as wind and rain are encountered by the exterior curtain.
- 8) In my opinion there are no suggestions or teachings in Bussett or Phillips, which merely relating to the use of VELCRO to attach a interior curtain to the interior of a building, where the interior curtain does NOT encounter harsh atmospheric forces, make obvious the presently claimed invention which discloses the use of VELCRO to attach an exterior curtain, which can be subject to harsh atmospheric condition, to the exterior of a building.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the

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knowledge that willful false statements and the like are

punishable by fine or imprisonment, or both, under 18 U.S.C.

1001, and may jeopardize the validity of the application or any
patent issuing continuation-in-part application.

Respectfully Submitted

A handwritten signature in cursive script that reads "Susan G. Katz". The signature is written in dark ink and is positioned above the printed name.

Susan G. Katz

October 29, 2004